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PATENT
Application No.: 09/717,204
Attorney Dock t No. 5725.0642-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Sam B. Morrison

Application No.: 09/717,204

Filed: November 22, 2000

For: A TRANSFER RESISTANT
ANHYDROUS COSMETIC
COMPOSITION

) Group Art Unit: 1617

) Examiner: M. Willis

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Assistant Commissioner for Patents
Washington, DC 20231

Sir:

Terminal Disclaimer

Assignee, L'Oréal S.A., duly organized under the laws of FRANCE and having its principal place of business at 14, Rue Royale, 75008, Paris, France, through its attorneys, represents that it is the assignee of the entire right, title and interest in and to the instant Application No. 09/717,204, filed November 22, 2000, in the name of Sam B. MORRISON, for A TRANSFER RESISTANT ANHYDROUS COSMETIC COMPOSITION, as indicated by assignment duly recorded in the U.S. Patent and Trademark Office at Reel 011809, Frame 0021 on May 16, 2001. Assignee, L'Oréal S.A further represents that it is the assignee of the entire right, title and interest in and to the following U.S. patent application:

U.S. Application No. 09/258,809, filed February 26, 1999, in the names of Carolyn CAES, Gary GRAVES, Mohamed KANJI, Margarita MONTES DE OCA, Greg

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NORMAN, Carol ORR, and Paul THAU, now issued as U.S. Patent No. 6,423,306, for COSMETIC COMPOSITIONS CONTAINING DI-BLOCK, TRI-BLOCK, MULTI-BLOCK AND RADIAL BLOCK COPOLYMERS, as indicated by assignment duly recorded in the U.S. Patent and Trademark Office at Reel 010045, Frame 0469 on June 22, 1999.

Evidentiary documents have been reviewed and, to the best of assignee's knowledge and belief, title to both the instant application and the U.S. patent application listed above is in the assignee submitting this Terminal Disclaimer.

To obviate a double patenting rejection, assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of any patent granted on patent Application No. 09/445,588, Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on patent Application No. 09/445,588 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of any patent granted on patent Application No. 09/445,588, as presently shortened by any terminal disclaimer, in the event that any patent granted on patent Application No. 09/445,588 later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid

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by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$110.00 is being filed with this disclaimer.

If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to our Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account No. 06-0916.

The undersigned is an attorney of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Shalia V. Dannermet, Reg No. 39,064
By: *for Anthony C. Tridico*
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Dated: October 30, 2002

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